

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTONROBERT ALBERS and CATHERINE
ALBERS,

Plaintiffs,

v.

NATIONSTAR MORTGAGE LLC,

Defendant.

NO. CV-09-5058-EFS

**ORDER GRANTING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT
AND CLOSING FILE**

Before the Court is Defendant Nationstar Mortgage, Inc.'s ("Nationstar") Motion for Summary Judgment, ECF No. [34](#), which was filed on August 23, 2011.¹ Nationstar seeks entry of judgment in its favor because Plaintiffs Robert and Catherine Albers cannot prove their Fair Debt Collection Practices Act, Washington Consumer Protection Act, or tort causes of action. Although more than sixty-five days have passed since the motion's filing, which is more than the twenty-one-day response period granted by Local Rule 7.1(c)(1), Plaintiffs have not responded to this motion. Plaintiffs previously were warned in connection with their failure to file a timely response to Defendants' prior dismissal motion that a failure to file a timely response is considered as consent to

¹ Defendant amended its motion on September 29, 2011, ECF Nos. [37](#) & [38](#); however, the amendment only added line numbers for cited-to depositions. There was no substantive change to the motion.

1 entry of an adverse Order. ECF No. 24 (citing LR 7.1(e)). Because
2 Plaintiffs were previously warned of the consequences of failing to file
3 a timely response and because their response is more than forty days²
4 overdue, the Court considers their failure to respond to be consent to
5 the relief sought by Nationstar: entry of judgment in Nationstar's favor.
6 Accordingly, the Court grants Nationstar's summary-judgment motion and
7 strikes the November 15, 2011 hearing on this motion.

8 For the above-given reasons, **IT IS HEREBY ORDERED:**

9 1. Nationstar's Motion for Summary Judgment, **ECF No. 34**, is
10 **GRANTED.**

11 2. **Judgment** is to be entered in Nationstar's favor with prejudice.

12 3. All pending motions and hearings are **STRICKEN.**

13 4. This file shall be **CLOSED.**

14 **IT IS SO ORDERED.** The District Court Executive is directed to enter
15 this Order and provide copies to counsel.

16 **DATED** this 28th day of October 2011.

17
18 S/ Edward F. Shea

EDWARD F. SHEA

19 United States District Judge

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25 ² Even if Plaintiffs' response deadline is calculated from
26 September 29, 2011, their response is still untimely.